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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,236	11/09/2001	Steven J. Carpenter	Roto-Finish Case 56A	8294

7590 03/11/2003

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EXAMINER

MORGAN, EILEEN P

ART UNIT	PAPER NUMBER
3723	

DATE MAILED: 03/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 10/053,236	Applicant(s) Carpenter
Examiner Morgan	Art Unit 3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Nov 9, 2001

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-28 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-28 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

4) Interview Summary (PTO-413) Paper No(s). _____

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5,7

6) Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-10,16,17 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims reference that the convolutions of the helical movement be “only a small distance apart”, and references the contact distance of the abrasive spray equals this small distance. It is unclear how this distance is controlled. It is unclear what this distance actually is. The term “small” is indefinite. Cl. 3 recites that the spray zone is one to one and a half times the “small” distance. How is this controlled? Same for claim 5. How is the distance determined? How is it controlled to be slightly longer? Same for claim 16.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-6, 12,16,17,19,21,26,28, are rejected under 35 U.S.C. 102(b) as being anticipated by German-3811680.

German reference '680 discloses a tumbling method and apparatus for abrading a flowable bulk material while material undergoes vibratory treatment that produces a helical or cork-screw flow in a channel of the tub, wherein a nozzle or nozzles are directed for blasting the particles in addition to the vibratory treatment along any part of the tub (translation, page 9, line 8).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-11, 13-15,18,20,22-25,27 are rejected under 35 U.S.C. 103(a) as being unpatentable over German '680, alone.

In regard to the claims directed to the multiple nozzles blasting abrasive of different properties, this would have been a matter of obvious design choice dependent on machining parameters and finished desired on workpieces. It is old and well-known in the art to abrade workpieces in multiple steps wherein the abrasive media has varying properties.

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In regard to the size of the opening of the channel and the pressure of the blast spray, these would have been an obvious design expedient dependent on machining parameters and size of workpieces.

In regard to the inert tumbling parts, this is old and well-known in the art to provide excess inert pieces to augment flow of workpieces.

In regard to the orientation of the blasting nozzles, this would be an obvious design expedient dependent on machining parameters.

In regard to having a second annular channel, it would have been obvious to one of ordinary skill in the art at time invention was made to use more than one channel, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St.Regis Paper Co. V. Bemis Co.*, 193 USPQ 8; and the additional length of channel would enhance the machining of the workpieces.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to E. Morgan whose telephone number is (703) 308-1743.

EM

March 7, 2003



EILEEN P. MORGAN
PRIMARY EXAMINER